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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 JAMES FERGUSON,

2:13-CV-517 JCM (GWF)

9 Plaintiff(s),

10 v.

11 WAL-MART STORES, INC., et al.,

12 Defendant(s).
13

14 **ORDER**

15 Presently before the court is a motion to dismiss filed by third-party defendant Concrete
16 Systems, LLC. (Doc. # 55). Third-party plaintiff Moorfield Construction, Inc. filed a response in
17 opposition, (doc. # 57), and Concrete Systems filed a reply, (doc. # 59).

18 After the instant motion was filed, Moorfield Construction filed an amended third-party
19 complaint. (Doc. # 65). Therefore the motion to dismiss, which relates to a superseded version of
20 the third-party complaint, is now moot.

21 Accordingly,

22 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that third-party defendant
23 Concrete Systems, LLC's motion to dismiss, (doc. # 55), be, and the same hereby is, DENIED as
24 moot.

25 DATED July 9, 2014.

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28 **UNITED STATES DISTRICT JUDGE**